

REMARKS

Reconsideration of the above-identified application is respectfully requested in view of the following amendments and remarks.

Claims 1-16 are pending and stand rejected.

Claims 1, 6 and 11 are independent claims.

Claims 1, 6 and 11 have been amended.

Claims 1-5 and 11-16 stand rejected under 35 USC 101. Claims 1, 2, 4-7, 9-12 and 14-16 stand rejected under 35 USC 102(e) as being anticipated by Mok (USPPA 2004/0013416, hereinafter D1). Claims 3, 8 and 13 stand rejected under 35 USC 103(a) as being unpatentable over D1 in view of Yun (USP no. 7,565,672, hereinafter D2).

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims 1-5 and 11-16 as being directed to non-statutory subject matter.

However, in the interest of advancing the prosecution of this matter, independent claims 1 and 11 have been amended to recite the method being operable in a processor within a player. No new matter has been added. Support for the amendment may be found at least in Figure 3 and page 2, last paragraph; “[a]s shown in Fig. 3, the player 30 comprises a network management apparatus 31, a detecting apparatus 32, a selecting apparatus 33, a reading-out apparatus 34, and a processor 35. The processor 35 is used to control the working process of other components in the player 30.”

Applicant submits that the reason for the rejection is no longer applicable.

With regard to the rejection of claims 1, 2, 4-7, 9-12 and 14-16 as being anticipated by D1, applicant respectfully disagrees with, and explicitly traverses, the rejection of the claims.

The Office Action asserts that D1 discloses the claims elements of an optical disc playing method comprising receiving a command, sending a request,

which requires related information of the part of content be provided, the request including at least identification information (figs. 1-2, par. 0023, lines 7-13, par. 0036, lines 3-9 and par. 0028, controller reads meta data for receiving access information and meta data includes file information stored on the optical disc), receiving the related information and playing the part of content with the received related information, wherein the received navigation information is used in coordination with navigation information on said optical disc to play the part of the content with the received related information (figs. 1-2, par. 0023, lines 14-21, para. 0029, para. 0036, lines 9-15 and par. 0042, reproduce data recorded on the optical disc with navigation display screen).

D1 discloses a system for obtaining additional information associated with a file by obtaining metadata information associated with the file and output the resultant additional information. With reference to para. 0023, which is referred-to in the Office Action, D1 teaches the metadata files are necessary for controlling playback of the contents. D1 further provides an example of the device disclosed, wherein when “a contents file includes an MP3 file, the optical disc player gains access to image data and audio data.” (see para. 0029).

That is, D1 teaches that the metadata associated with a file includes information that allows additional information associated with the file to be displayed or presented.

However, nowhere does D1 teach or suggest that the metadata or the additional information associated with the metadata includes identification information of the optical disc. Rather, D1 teaches that the information is related to a file or media and there is no reason to include any information regarding the identification of the disc.

A claim is anticipated if and only if each and every element is recited in a single prior art reference.

In this case, D1 cannot be said to anticipate the subject matter recited in the claims, as D1 fails to disclose the element of "said request including at least ***identification information of said optical disc.***"

For the amendments made to the claims and for the remarks made herein, applicant submits that each of the aforementioned claims is not anticipated by the cited reference.

Claims 3, 8 and 13 stand rejected under 35 USC 103(a) as being unpatentable over D1 in view of D2.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

Each of the aforementioned claims depends from one of the independent claims, which has been shown to include subject matter not disclosed by D1.

D2 discloses a method of transferring data from one disk to a second disk. D2 is cited for teaching the elements of the content including a play-list and the request including a language selected by the user.

However, D2 discloses that language information is included on the disc and the user may select a language that may be suitable for a particular multimedia presentation. For example, D2 discloses that based on the disc identification, an audio may be presented in one of the available languages while a subpicture (i.e., a caption) may be independently selected.

However, D2 fails to disclose a request including the element of "said request including at least identification information of said optical disc." Rather D1 discloses selecting a language that may be associated with an optical disc identified by an identification.

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference

or combined references must teach or suggest all the claim limitations. However, the US Supreme Court in *KSR v. Teleflex* (citation omitted), held that the teaching, suggestion and motivation test (TSM) is merely to be used as a helpful hint in determining obviousness and a bright light application of such a test is adverse to those factors for determining obviousness enumerated in the *Graham v. John Deere* (i.e., the scope and content of the prior art, the level of ordinary skill in the art, the differences between the claimed invention and the prior art and objective indicia of non-obviousness).

In this case, the combination of the cited references fails to disclose at least one material element recited in the independent claims and thus, the combination of the cited references cannot be said to render obvious the subject matter recited in the aforementioned dependent claims.

For the amendments made to the claims and for the remarks made herein, applicant submits that the reason for the rejection of the claims has been overcome and respectfully requests that the rejections be withdrawn and a Notice of Allowance be issued.

Notwithstanding the argument above, applicant has amended the independent claims to more clearly express the invention claimed. More specifically, the independent claims have been amended to recite that the player sends (claims 1 and 6) the request to a network server. In addition, claim 11 has been amended to recite that the claimed subject matter is executable in a server. No new matter has been added. Support for the amendment may be found at least in Figures 1 and 3.

Applicant denies any statement, position or averment stated in the Office Action that is not specifically addressed by the foregoing. Any rejection and/or points of argument not addressed are moot in view of the presented arguments

and no arguments are waived and none of the statements and/or assertions made in the Office Action is conceded.

Applicant makes no statement regarding the patentability of the subject matter recited in the claims prior to this Amendment and has amended the claims solely to facilitate expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the originally filed claims, as presented prior to this Amendment, and any additional claims in one or more continuing applications during the pendency of the instant application.

In order to advance the prosecution of the matter, applicant respectfully requests that any errors in form that do not alter the substantive nature of the arguments presented herein be transmitted telephonically to the applicant's representative so that such errors may be quickly resolved or pursuant to MPEP 714.03 be entered into the record to avoid continued delay of the prosecution of this matter any further.

MPEP 714.03 affords the Examiner the discretion, pursuant to 37 CFR 1.135 (c), to enter into the record a bona fide attempt to advance the application that includes minor errors in form.

"[a]n Examiner may treat an amendment not fully responsive to a non-final Office Action by: (A) accepting the amendment as an adequate reply to the non-final Office action to avoid abandonment ... (B) notifying the applicant that the reply must be completed... (C) setting a new time period for applicant to complete the reply ...

The treatment to be given to the amendment depends upon:
(A) whether the amendment is bona fide; (B) whether there is sufficient time for applicant's reply ... (C) the nature of the deficiency.

Where an amendment substantially responds to the rejections, objections or requirements in a non-final Office action (and is bona fide attempt to advance the application to final action) but contains a minor deficiency (e.g., fails to treat every rejection, objection or requirement), the examiner may simply act on the amendment and issue a new (non-final or final) Office action. The new Office action may simply reiterate the rejection, objection or requirement not addressed by the amendment (or otherwise indicate that such rejection, objection or requirement is no longer applicable).

This course of action would not be appropriate in instances in which an amendment contains a serious deficiency (e.g., the amendment is unsigned or does not appear to have been filed in reply to the non-final Office action)..."

However, if the Examiner believes that such minor errors in form cannot be entered into the record or that the disposition of any issues arising from this response may be best resolved by a telephone call, then the Examiner is invited to contact applicant's representative at the telephone number listed below to resolve such minor errors or issues.

Amendment
Docket No. 2003P00763WOUS
(formerly CN030046US1)
Serial No. 10/578,377

No fees are believed necessary for filing this amendment.

Respectfully submitted,
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Date: July 14, 2011

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